

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DONNA WOOD, CAELAN DOHERTY, MAX GOLDSTEIN, BRIDGET LOGAN, JAMES KYLE NEWMAN, ZIA ORAM, ALAN ROBINSON, ALEXANDRA MARIE WHEATLEY-DIAZ, individually and on behalf all others similarly situated, and CHERYL BALDWIN, JONATHAN BARRIO, DESMOND BATTS, GARRETT BECKENBAUGH, COCHIESE BOWERS, MILES CEPLECHA, ROBIN CEPPOS, MELINDA CIRILO, JANE CONRAD, ROBERT CORDOVA, JR., CHRISTINE DOCZY, RACHEL DOUGLAS, THERESA EDWARDS, ELIZA FINK, JASON FINKELSTEIN, ILSE MENDEZ FRAGA, JOSH FREDRICKSON, MARIA GONZALEZ, NATHANIEL ROBERT GROH, BRANDI HARRIS, PETER KAMARA, MACK KENNEDY, MADISON OLIVER MAYS, PATRICK MCHUGH, FRIDA MICHELLE NARANJO, PAUL MONTEROSSO, REY MURPHY, JOSEPH NESTOR, LUKE NICHOLAS, JOSEPHINE OLINGER, ALEC SILVESTER, DANIEL SMITH, CHRIS SOTH, AUDRA TELLEZ, CARLOS TORRES, ELLIOTT TRICOTTI, GLORIA TYLER, LAKISHA WATSON-MOORE, JESSE WEINBERG, CLEM WRIGHT, ANOOSH YARAGHCHIAN, and JESUS ZAMORA, individually,

Plaintiffs,

v.

MIKE BLOOMBERG 2020, INC.,

Defendant.

No. 20 Civ. 2489 (LTS) (GWG)

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs hereby submit this Notice regarding recent summary judgment filings in four cases in the U.S. District Court for the Northern District of Texas. These cases—which have also been the subject of the parties’ recent notices of supplemental authority—are *Gueye v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 487 (N.D. Tex.); *Hamilton v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 488 (N.D. Tex.); *Jefferson v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 489 (N.D. Tex.), and *Snow v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 490 (N.D. Tex.). In each case, the Campaign filed a motion for summary judgment. From the public filings in three of those cases, Plaintiffs have learned of documents that are highly relevant to their claims here, which are currently subject to the Campaign’s pending partial motion to dismiss. These documents include a March 9, 2020 e-mail from Campaign States Director Dan Kanninen, one of the most senior officials in the Campaign, to seven other individuals, including Campaign Manager Kevin Sheekey, in which he admits that “the campaign and candidate repeatedly promised” that “all organizing staff . . . will be slotted into a position of some sort (location not guaranteed) through November.” Ex. 1 (Mar. 9, 2020 e-mail).¹

In their opposition to the Campaign’s partial motion to dismiss, Plaintiffs argued that they should be granted leave to amend in the event the Court does not deny the motion. *See* Def.’s Mot., ECF No. 111, at 33-34; Pls.’ Opp., ECF No. 133, at 34-35. This additional information underscores that Plaintiffs should be permitted to include such additional allegations in an amended complaint, if the Court finds that amendment is necessary.

¹ While this e-mail is responsive to Plaintiffs’ pending discovery requests, the Campaign has not yet searched for or produced responsive communications from Mr. Kanninen or other Campaign officials because it argues any such discovery should be deferred until after its motion to dismiss is decided. In addition to e-mails similar to this, Plaintiffs expect that the Campaign will also produce communications and other documents relating to the “work being done to get Mike [Bloomberg] to a good place on our commitment to organizers—including discussions” as referenced in Mr. Kanninen’s e-mail.

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Respectfully submitted,

/s/ Deirdre Aaron

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*to apply for *pro hac vice* admission